IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 18850 of 2007(R)

PETITIONER:

V.K.SAHADEVAN, VP/XII/594,
NEAR KELALUR U.P.SCHOOL, MAMBARAM P.O.,
KANNUR.

BY ADV. SRI.V.PREMCHAND

RESPONDENTS:

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1. THE VENGAD GRAMA PANCHAYAT,
PATHIRIYAD P.O., KANNUR,
REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
VENGAD GRAMA PANCHAYAT,
PATHIRIYAD P.O., KANNUR.

BY GOVERNMENT PLEADER (SHRI K. J. MOHAMMED ANZAR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 18850 OF 2007 R

Dated this the 20th June, 2007

JUDGMENT

In the nature of the order that I propose to pass, I do not think it necessary to issue notice to first respondent. Prayer is for a direction to consider Ext.P2 reply to Ext.P1 Notice and not to demolish the portion of the residential building till final orders are passed. Ext.P1 is stated to be dated 24.3.2007. As per the same, petitioner is called upon to show cause against demolition of the building of the petitioner in so far as it is in violation of the three metre distance rule under Section 220(b) of the Kerala Panchayat Raj Act. Going by Ext.P2, he received Ext.P1 on 29.5.2007. In such circumstances, I feel that a decision should be taken after considering Ext.P2 and till then, demolition shall not be carried out. Accordingly, the Writ Petition is disposed of directing the second respondent to consider and take a decision on Ext.P2 in accordance with law after affording an opportunity of hearing to the petitioner also,

as expeditiously as possible. Till a decision is taken as aforesaid and communicated to the petitioner, the construction shall not be demolished. However, it is made clear that this Judgment need be complied with only if the petitioner has given the reply as alleged in the Writ Petition.

K. M. JOSEPH, JUDGE

kbk.